IN THE COURT OF APPEAL

OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FOUR

ALFRED J. McCOURTNEY and WILLIAM A. GOODWIN, Petitioners, vs. SUPERIOR COURT OF THE STATE OF CALIFORNIA FOR THE COUNTY OF LOS ANGELES, Respondent, HAROLD TAYLOR, JOHN BOWMAN and RAY MICHAEL BOUDREAUX, Real Parties in Interest.	Civil No. 45230 ORDER GRANTING WRIT OF MANDATE

THE COURT:

On October 11, 1974, one of the judges of the superior court, in his capacity as trial judge in a criminal case duly assigned to him (People v. Taylor, Bowman and Boudreaux, No. A 277425) made an

order declaring that the method regularly employed by the court in selecting a jury panel was unlawful and unconstitutional, and directing the jury commissioner to select a jury in some other way. The presiding judge of the superior court has now applied to this court for an order requiring the superior court to set aside the aforesaid order of October 11, 1974.

The present system for making up the jury panel by random selection from voter registration lists was established by a rule of court (rule 25) which was adopted by a majority of the judges of that court pursuant to Code of Civil Procedure section 204b. The method required by this rule has been held to be proper by all of the appellate courts which have considered the subject. For the recent examples, see People v. Powell, 40 Cal.App.3d 107, 124, and Adams v. Superior Court, 27 Cal.App.3d 719. See also People v. Sirhan, 7 Cal.3d 710, 749.

The order made by one judge of the Los Angeles Superior Court, requiring a procedure different from that which is

prescribed by the court rules, creates serious administrative problems. The pendency of this proceeding, brought to review the October 11, 1974, order, casts uncertainty over the jury selection process in every case in this county. That uncertainty cannot be resolved until a judgment of a reviewing court becomes final. A prompt disposition of this matter in this court is indicated.

An intermediate appellate court is bound to respect established law and will not hand down a decision conflicting with the decision of other appellate courts of this state except for the most compelling reasons.

The reasons for making the October 11, 1974, order are fully set forth in the trial judge's opinion which accompanied it. We do not find those reasons to be sufficient ground for overturning the existing case law which other courts are and have been following.

Code of Civil Procedure section 1088 provides that when an application is made upon due notice, the peremptory writ may be issued in the first instance. (See

Goodenough v. Superior Court, 18 Cal.App.3d 692, 697.) We find due notice has been given. Petitioners' right to relief is clear, and there is no other plain, speedy or adequate remedy.

Let a writ of mandate issue directing the respondent court to vacate the order of October 11, 1974. in case number A 277425 entitled People v. Harold Taylor, John Bowman and Ray Michael Boudreaux.